



US Army Corps  
of Engineers

**Detroit District**

# Public Notice

Applicant: Country Club Estates

In Reply Refer To: Corps File No. LRE-1999-550111-S11

Date: October 21, 2011  
Expires: November 4, 2011

---

## **Proposed Dredging in the St. Joseph River in Benton Harbor, Michigan**

**Applicant:** Mike Rappette, President of Country Club Estates, 1441 Blackhawk Trail, Benton Harbor, MI 49022-7102.

**Project Location:** In the LaSalle Basin of the St. Joseph River, Country Club Estates Subdivision, St. Joseph Township, Benton Harbor, Berrien County, Michigan (Township 4 South, Range 19 West, Section 25).

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**State Authority:** Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards.

**Project Description:** As shown on the attached plans, the applicant proposes to periodically perform maintenance dredging over a five (5) year period as follows:

Dredge a maximum of 1,600 cubic yards of material in the first year, then 400 cubic yards of material annually over the next 4 years, not to exceed 3,200 cubic yards over a total five year period, from an 855' long by 100' wide area of Channel Segment 1 to a maximum bottom elevation of 572.3' ILGD 1985. Discharge return water via filtration through geo-tubes; dewatering will take place in an upland storage area. Within a 30-day period, transport then place the dredged material in an upland area at a Type II landfill for disposal.

Dredge a maximum of 1,950 cubic yards of material in the first year, then 500 cubic yards of material annually over the next 4 years, not to exceed 3,950 cubic yards over a total five year period, from a 350' long by 100' wide area of Channel Segment 2 to a maximum bottom elevation of 572.3' IGLD 1985. Discharge return water via filtration through geo-tubes; dewatering will take place in an upland storage area. Within a 30-day period the material dredged from Channel Segment 2 will be disposed of at an upland location.

The total volume of material dredged from both channel segments over the five year period is not to exceed 7,150 cubic yards.

The applicant's purpose for this project is to maintain boat access to the existing residential dockage at Country Club Estates subdivision, adjoining the LaSalle Basin of the St. Joseph River.

**Avoidance & Minimization:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The Applicant has no plans to discharge dredged or fill material into wetlands, streams, or other waters of the United States." The Corps has not verified the adequacy of the applicant's avoidance and minimization statement at this time.

**Compensatory Mitigation:** The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: Mitigation is not necessary or appropriate for the proposed work because: "The Applicant has no plans to discharge dredged or fill material into wetlands, streams, or other waters of the United States." The Corps has not verified the adequacy of this mitigation proposal at this time.

**Other Authorizations:** A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 11-11-0052-P.

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-1999-550111-S11. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Charles M. Simon, Chief, Permit Evaluation Western Branch, Regulatory Office, Detroit District, Corps of Engineers, 477 Michigan Avenue, Detroit, Michigan 48226-2550.  
Comments may be e-mailed to: [Allison.M.Klement@usace.army.mil](mailto:Allison.M.Klement@usace.army.mil), but must include a name and mailing address.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

**Endangered Species:** We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

**Cultural Resources:** The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

**Additional Information:** This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Allison Klement at the Corps of Engineers address listed above, or telephone number (574) 232-1952 ext. 21965.

FOR THE DISTRICT ENGINEER:

Charles M. Simon  
Chief, Permit Evaluation Western Branch  
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.